**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 1663 of 2002**

**For Approval and Signature:**

**HONOURABLE MR. JUSTICE B.J.SHETHNA**
**HONOURABLE MR.JUSTICE MD SHAH**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**SATISHCHANDRA JAYANTILAL TRIVEDI - Petitioner(s)**
**Versus**
**STATE OF GUJARAT & 1 - Respondent(s)**

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**Appearance :**
MR MUKUL SINHA for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1,
LAW OFFICER BRANCH for Respondent(s) : 2,
MR JB PARDIWALA for Respondent(s) : 2,

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**CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA**

**and**

**HONOURABLE MR.JUSTICE MD SHAH**

**Date : 22/09/2006**

**ORAL JUDGMENT**

**(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)**

This is a petition of 2002, filed by the petitioner – Judicial Officer. He has challenged, in this petition, impugned order of termination mainly on two grounds, viz. that the Authority has no power to extend the period of probation and that on completion of period of probation of two years he was automatically confirmed. This point is squarely covered against the petitioner by the Judgment of the Hon'ble Supreme Court the case of REGISTRAR, HIGH COURT OF GUJARAT AND ANR. v/s. C. G. SHARMA, reported in 2005 (1) GLH 40. Hence, the first contention is rejected.

The second contention is that the impugned order is stigmatic. He was on probation. If his over all performance was not found satisfactory then there is no question of continuing him in service. On the ground of unsuitability if he is not continued in service then there is no question of interference by this Court. Considering the several Judgments of the Hon'ble Supreme Court as well as this Court, the Division Bench of this Court decided this Issue in Special Civil Application No.2405 of 1998 on 1.8.2005.

Thus, there is no substance in the petition and accordingly it is dismissed.

Before parting, we must state that this petition is of 2002 and listed for the 18th time. In the morning when Shri Sinha prayed for time we refused the request because, at least on four occasion, this Court had adjourned the matter for one or the other

reasons. Therefore, the request was refused in the morning. In absence of Shri Sinha in the first round the matter was passed over, but in the second round he was also not present and the entire Board was over. Therefore, we have thought it fit to decide the matter on merit, instead of dismissing the same for default as, in our considered opinion, to dismiss the matter and restore it again would be a futile exercise.

In view of the above, this petition is dismissed. Rule discharged. No order as to costs.

(B.J.SHETHNA,J.)

(M. D. SHAH, J.)

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